



Sacramento Central Groundwater Authority
*Managing Groundwater Resources
in Central Sacramento County*

827 7th St, Rm 301
Sacramento, CA 95814

Tel: (916) 874-6851
Fax: (916) 874-5698
www.scgah2o.org

Darrell K. Eck
Executive Director

April 1, 2016

California-American
Water Company

California Department of Water Resources
Attn: Lauren Bisnett, Draft GSP Emergency Regulations Public Comment
P.O. Box 942836
Sacramento, CA 94236

City of Elk Grove

City of Folsom

Transmitted via email: SGMPS@water.ca.gov

City of Rancho Cordova

City of Sacramento

Subject: Public Comments on Draft Groundwater Sustainability Plan Emergency Regulations

County of Sacramento

Dear Ms. Bisnett:

Florin Resource Conservation
District/Elk Grove Water
Service

Thank you for the opportunity to provide these comments on the Draft Groundwater Sustainability Plan Emergency Regulations (GSP Regulations) released on February 18, 2016. The Sacramento Central Groundwater Authority (SCGA) has been the recognized groundwater management agency for the majority of the South American sub-basin in the County of Sacramento since 2006. SCGA is a sixteen member Joint Powers Authority, formed from the regionally-recognized Water Forum process, and a "local agency" as defined by SGMA. As a proven governing body running a cost-efficient sustainable management program for a decade, SCGA shares these comments focused on the following:

Golden State Water
Company

Omoichumne-Hartnell
Water District

- Honoring and enhancing existing successful SB 1938-compliant groundwater management programs
- Ensuring integration of the "alternative" plan process
- Clarifying the nature and extent of external agency coordination
- Respecting by prioritizing existing regional water management programs
- Defining the institutional roles of the GSA, water provider, and Land Use Agency
- Seeking opportunities for technical and financial assistance

Rancho Murieta Community
Services District

Sacramento Regional
County Sanitation District

Agricultural Representative

Agricultural-Residential
Representative

Background

Commercial/Industrial
Representative

Conservation Landowners

SCGA began in 2000 with a formalized multi-year process for determining the region's groundwater sustainability goals, known as the Sacramento Water Forum. Using the science of the Water Forum and knowledge and interests of local stakeholders, facilitated consensus-based negotiation led to a groundwater management plan (GMP) and joint powers authority (JPA) approved and adopted in 2006. The JPA provides for a 16 member board representing agriculture, agriculture/residential, cities, the County, conservation landowners, commercial/industrial/business, other public agencies, and water purveyors. Since its inception SCGA has:

Public Agencies/Self-Supplied
Representative

- Succeeded in implementing a SB 1938-compliant GMP based on negotiated minimum thresholds and trigger-based adaptive management principles for each of the applicable Undesirable Results, now defined by the Sustainable Groundwater Management Act (SGMA).
- Achieved its groundwater basin sustainability goals initially set forth by the Sacramento Water Forum Process and later incorporated into the GMP.
- Held monthly Board hearings and frequent subcommittee meetings with various local, regional, and state interests to discuss all facets of groundwater management.

- Participated in the California Statewide Groundwater Elevation Monitoring (CASGEM) program.
- Published multiple Biennial Basin Management Reports and provided annual monitoring updates.
- Developed a publically-accessible data management and visualization tool used to manage and evaluate groundwater level and quality data within the basin.
- Developed an agreed-upon methodology for estimating groundwater usage by agriculture and agriculture/residential stakeholders within the basin.
- Participated in maintaining a regional surface water/groundwater model.
- Worked closely with various entities involved with remediating groundwater contamination and participated in studies tracking potential contamination movement.
- Collaborated closely with the County, who has actively participated in groundwater management, aquifer protection, and well permitting, inspection, and abandonment programs for over 40+ years.

Comments

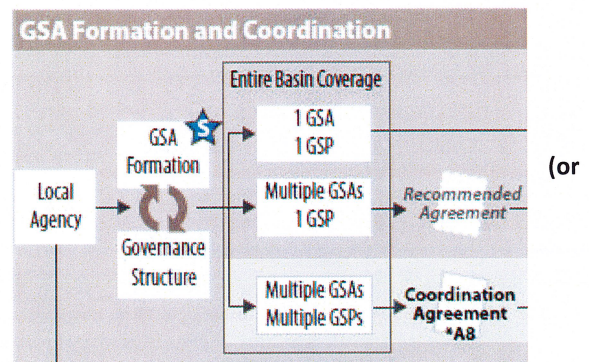
Overall, SCGA encourages the Department of Water Resources (DWR) to review, revise, and trim the GSP Regulations to better align with their authorized purpose: to identify statutorily-expressed plan components, and assign evaluation criteria that DWR will use for plan, alternative plan, and coordination agreement assessment (Water Code Section 10733.2). SCGA concurs with the Association of California Water Agencies (ACWA) proposed “General Principles”, “Local Management of Basin and Plans”, and “Definition: Substantial Compliance” language (with slight modification to specifically include Alternatives; see attached Exhibit A). This proposed language acknowledges SGMA’s legislative deference to the judgment and expertise of local control and management in plan development and implementation when supported by evidence and meeting substantial compliance (Water Code Section 113 and 10720.1(c), (d), and (h)). Further, this language will assist prior, successful local management efforts and plans – like SCGA and its GMP -- as recognized Alternatives, allowing effective organizations to continue realizing return on adopted water policy and significant time and financial investments that are tailored to unique local conditions, stakeholders, and beneficial uses and users.

SCGA also provides the following comments, grouped into categories that align with the flowchart provided in the *Draft GSP Emergency Regulations Guide* (DWR, March 2016) booklet.

Phase 1 Comments: GSA Formation and Coordination

Coordination Agreements with intra- and inter-basin GSAs (Coordinating Agencies)

For over 10 years SCGA has successfully coordinated with a hydraulically-connected subbasin management agency with no requirements for an inter-basin coordination agreement. This is due, in part, to on-going collaboration and communication using the science and negotiation of the Water Forum Process.



Comment 1.a.1 REQUIRE A COMMUNICATION AGREEMENT BETWEEN INTRA-BASIN GROUNDWATER SUSTAINABILITY AGENCIES, LOCAL LAND USE AGENCIES, AND AFFECTED WATER PURVEYORS AT THE OUTSET OF GSP DEVELOPMENT, AMENDMENT, OR MODIFICATION TO BE FILED AS PART OF THE INITIAL NOTIFICATION

As a result of SGMA statute, intra-basin coordination agreements between multiple agencies are required only in multiple GSP subbasins, and inter-basin coordination agreements are recommended, but not required. The expectation in all other cases is that the GSPs be the vehicle to identifying how intra- and inter- basin coordination takes place. As a result, newly formed GSAs may errantly anticipate starting from a common knowledge-base with their neighboring GSAs, and/or adjoining and hydraulically connected subbasins. Through a required

communication agreement instituted and memorialized at the outset of GSP development or amendment (see GSP Regulations Section 354.10(e), incorporated in the Initial Notification process described in Section 353.6), intra-basin parties will negotiate and confirm how GSP development or amendment will acknowledge local agencies with years of experience in water management, monitoring, studies, and water policy, and establish a foundational process to create supportive cooperation in GSP development with newly-formed GSA governance structures. Knowledge sharing, appreciation, and application of effective water policies, and shared use of data and modeling tools will best occur when assurances are in place providing a process for coordinated activities between GSAs and local agencies of different experience levels.

Comment 1.a.2 CONFLICT RESOLUTION THROUGH THIRD-PARTY MEDIATION

Every GSA will have to continuously assess and manage conflict to successfully achieve the sustainable management of groundwater. Once conflict impedes a GSA's ability to manage, smart intervention is necessary. Third party professional mediation with regional water resource experience can avoid costly litigation, and avoid placing the Department in the center of local conflict.

GSP Regs Language Change: **Subarticle 4. Evaluation and Assessment**

(355.10) Resolution of Conflicts by Department

~~The Department shall address~~ Disputes between Agencies or other entities responsible for groundwater management *shall be* addressed as follows:

(a) Disputes within a basin shall be *resolved using a third party regional water resources mediator provided by the Department, unless a mutually agreed-upon equivalent is requested.*

Phase 2 Comments: GSP Preparation and Submission

Phase 2.a – Initial Notification

Comment 2.a.1 CONTINUE DWR ASSISTANCE AND PUBLIC NOTIFICATION ROLE IN GSP ACTIVITIES

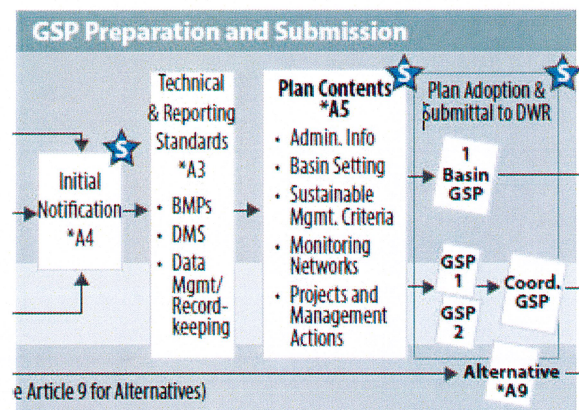
DWR's web-based SGMA compliance tools and public notification processes are streamlined and user friendly. SCGA encourages DWR to continue this service to assist public notice of on-going state-wide activities to promote where and when actions may require active coordination.

GSP Regs Language Change: **Subarticle 4. Procedures**

(353.6) Initial Notification

(New)(353.6(d)) *The Department will notify affected GSAs of inter-basin activities through regular website postings of GSA and GSP development activities.*

Phase 2.b – Reporting Standards



COMMENT 2.B.1 EXPECTATIONS OF THE STATE ON REQUIRED VS. SUGGESTED BMPs

Many existing management agencies are continuing to work from SB 1938 compliant GMPs, and have existing stakeholder-based governance structures implementing and financing successful groundwater management programs. Similar to SCGA, these agencies will likely become GSAs under SGMA, and while continuing their prior mission will begin working with SGMA's new regulatory requirements. A local agency who is actively and successfully managing groundwater under an SB 1938 compliant GMP (regardless of Alternative Plan approval) should have the opportunity to work from their existing plan's best management practices. Providing examples of the suite of tools, data sources, actions, and measures for achieving successful management of each applicable Undesirable Result, DWR's BMPs should be treated as a starting point in defining GSP management actions for agencies *beginning* groundwater management and preparing an initial GSP. An agency with years of successful management experience should have the clear option of continuing to use and refine existing best management practices, adding new practices where and when necessary based on well-informed and supported justification.

GSP Regs Language Change: **Subarticle 3. Technical and Reporting Standards**

- **(352.4(a))** Each Plan shall include BMPs adopted by the Agency for management actions, data collection and analysis, and other necessary elements of the Plan. The Agency may initially rely on BMPs developed by the Department, and adapt BMPs to reflect changes in Agency practices ~~and or~~ Department BMP updates *if the Agency adopted Department BMPs*.
- ~~**(352.4(c))** If BMPs developed by the Department are modified, an Agency shall not be required to amend the Agency's BMPs until the next five-year review.~~

Comment 2.b.1 RETAIN LOCAL DATA MANAGEMENT SYSTEMS

Over the past 10 years SCGA has been committed to, and made significant investments in, a visual data management system. Maintaining a high degree of local data management continues to be an important management requirement for SCGA due to monitoring program differences and the need to customize system features to meet specific reporting needs and technology.

The concept of coordinated data management for anything outside of a single GSA is certainly a common goal, but should not be a requirement included in the GSP Regulations. State database systems already exist for broader public access to local monitoring data. In addition, State-provided on-line visualization and analytical tools using larger datasets are growing and are providing the highest quality and best use of the data. DWR's BMPs can provide a list of publically available data management systems, or recommended specifications, and specify the needs for upload automation to on-line data servers.

GSP Regs Language Change: **Subarticle 3. Technical and Reporting Standards**

- **(352.8)** Data Management and Recordkeeping

Each Agency shall develop and implement a ~~coordinated~~ data management system that is capable of storing, maintaining, and reporting all well inventory and monitoring station time series data needed to meet Subarticle 3.

Phase 2.c – Plan Content

Comment 2.c.1 ABILITY TO DEMONSTRATE SUBSTANTIAL COMPLIANCE

A Plan (or Alternative) meeting the substantial compliance criteria satisfies the goals of SGMA, and comports with the local control and management intent of the legislation. SCGA concurs with the ACWA proposed language adding "Substantial Compliance" as a defined term in the GSP Regulations (Exhibit A). Adhering to the goal of substantial compliance will allow for a balanced discussion on the level of effort, benefit, and funding needed for

SGMA compliance. Below are comments in the spirit of the substantial compliance standard:

Comment 2.c.1.1 Satisfy data gaps within a reasonable timeframe determined by GSAs

Identification and satisfaction of data gaps are likely to be an area of significant effort for existing management agencies. Each management entity should be permitted to determine the best timeframe for addressing specific data gaps based on priority and available resources.

Comment 2.c.1.2 State support in data sharing to support plan content

State services providing data and analytical solutions in key technical areas of the GSP Regulations is needed to get the SGMA program running. However, once running, DWR's role in providing data should transition to only that of a statewide nature (i.e., climate change, water year determination, etc.). Locally-defined data requirements like water budget, well inventory, and groundwater surface water interaction should be provided to DWR by Agencies who have the capacity to determine, maintain, and communicate this information through raw data transfers and statewide models updates.

Comment 2.c.2 ACCOUNT FOR THE VARIED GSA RELATIONSHIP WITH LAND USE AGENCIES AND WATER PROVIDERS

The description and inventory of land use data is a complex process with many competing interests.

GSP Regulations requiring detailed land use data and future demand calculations should better define what information must be supplied by the land use agency to accurately reflect projected changes in groundwater use and timing of management projects. In addition, many of the requirements for detailed land use data requested in GSP Regulations Section 254.8(g) should be moved to DWR's BMPs, to accommodate each land use agency's operational differences and variations of available land use data and categories.

Comment 2.c.3 ADDRESS CHALLENGES IN IMPLEMENTING NEW FUNDING PROGRAMS

The typical communication loop leading to defining urban groundwater needs occurs between water provider and land use agency at the time of a WSA (in the case of a development application), or a 5 and 10 year update to a Water District's Urban Water Management Plan or Water Supply Master Plan (to build a 5 year CIP). After quantifying the water needs of the land use agency, the water provider participates in the groundwater management agency overlying their service (or extraction) area to represent their interest in the available quantity and quality of groundwater.

Historically, a water provider can typically sustain growth on groundwater in the near term while waiting for large surface water projects to be phased in as development fees pay for the planning, design, and construction of new infrastructure, with bonded indebtedness passed on via rates to users of the infrastructure (Prop 218). In post-SGMA, jumpstarting growth on groundwater may no longer be an option unless the infrastructure and water rights for conjunctive use and recharge methods are in-place prior to development. As a result, funding options are limited because existing growth cannot pay for infrastructure to accommodate new growth. This revised financial and institutional model essentially places the GSA in the position of slowing or stopping growth until projects and programs are constructed to eliminate significant and unreasonable impacts causing Undesirable Results.

As each GSA will have a different makeup of land use agencies and water providers, a joint finance study conducted by these agencies should provide the feasibility of funding proposed management actions necessary to accommodate forecasted demand changes.

GSP Regs Language Change: Subarticle 5. Plan Contents

(354.6(e)) A ~~description~~ *programmatic evaluation* of anticipated costs of implementing the Plan including programs, projects, administrative expenses, and other expected costs *shall be coordinated with overlying land use and water agencies resulting in the compilation of different funding strategies and expected revenue generation.* –

~~and information demonstrating that the Agency has the necessary financial ability to implement the Plan.~~

Comment 2.c.4 AVOID DETAILED DESCRIPTIONS OF PROJECTS AND PROGRAMS BEING IMPLEMENTED BY OUTSIDE AGENCIES

As one of its business practices, SCGA continually seeks to clarify the roles of the multiple overlapping agencies contributing to the success of its GMP. The GSP Regulations ask for a significant summary of various plans, studies, projects, and programs not under the direct control of a GSA, with many being reported under other state regulatory programs. By including descriptions and summaries of outside agency reports, internal and external audiences are often confused as to the program agency.

Outside agencies having a role in GSP implementation (i.e., projects and programs depending on groundwater) should be sufficiently engaged through stakeholder outreach and/or communication agreements or plans to appropriately collaborate and provide reference material for development or amendment of a GSP, when requested.

GSP Regs Language Change: **Subarticle 5. Plan Contents**

The GSP Regulations should allow maximum local flexibility for what relevant, overlapping plans, projects, and programs should be identified and described as potentially affecting or influencing local groundwater management.

Comment 2.c.5 CONSIDER LOCAL DATA AND MANAGEMENT POLICIES OF INTERCONNECTED SURFACE WATER SYSTEMS AND GROUNDWATER-DEPENDENT ECOSYSTEMS

Groundwater-surface water interconnection remains as a primary focus point in the management actions of SCGA. Existing minimum thresholds within the SCGA management area are negotiated based on preserving interconnected surface waters to the greatest extent practicable. Agencies who are addressing this Undesirable Result within their service area should be permitted to review and consult with DWR as part of DWR's modeling development.

GSP Regs Language Change: **Subarticle 5. Plan Contents**

- **(354.16(f))** Identification of interconnected surface water systems and groundwater-dependent ecosystems within the basin. Each Agency shall ~~utilize~~ *review* data available from the Department, as specified in Section 353.2, or the best available information.
- **(354.28 (b)(6)(A))** The location, quantity, and timing of depletions of interconnected surface water. If sufficient data to quantify depletions of interconnected surface water is not available, the ~~Plan shall describe how the Agency will determine the best management practice to acquire~~ *establish* sufficient information no later than the first five-year assessment.

Phase 2.d – Sustainable Management Criteria

Comment 2.d.1 MINIMIZE THE POTENTIAL FOR UNDERMINING AN EXISTING SUSTAINABILITY GOAL

SCGA recognizes the interdependence of groundwater and surface water through its experience based on the Water Forum Solution. The Sustainability Goal of Sacramento County (including the sustainable yield determination of the three major subbasin management units) as set forth by the January 2000 Water Forum Agreement, is recognized as the "Water Forum Solution". This negotiated consensus-based Solution was created to provide a reliable and safe water supply for the Sacramento region's long-term growth and economic health; and to preserve the fishery, wildlife, recreational, and aesthetic values of the lower American River preserving water for environmental benefits and recreation in the American River.

The Sustainability Goal of the SCGA region cannot be separated from the Water Forum Agreement without reopening the Agreement based on changed conditions. This is likely true in other areas of California where large water resource decisions have been memorialized through accords and agreements.

GSP Regs Language Change: **Subarticle 3. Sustainable Management Criteria**

(354.24) Each Agency shall establish a sustainability goal for the basin, *or adopt an equivalent regional water resource program goal as the sustainability goal for the basin.*

Comment 2.d.2 EARLY DEPARTMENT EVALUATION OF AGENCY EVIDENCE FOR INAPPLICABLE CRITICAL PARAMETERS AND UNDESIRABLE RESULTS

GSP Regulations should provide specific language to support a “not applicable” finding by DWR early-on in the GSP scoping and development process. SCGA recommends that upon request, DWR provide an expeditious process of evaluating which critical parameters and undesirable results do not apply to the basin.

GSP Regs Language Change: **Subarticle 3. Sustainable Management Criteria**

(354.26(d)) *Upon request, the Department will provide an early evaluation of Agency evidence that one or more critical parameters and undesirable results are not applicable for a basin. An Agency that is able to demonstrate that one or more critical parameters would not lead to one or more applicable undesirable results, or the critical parameter is not applicable to the basin, shall not be required to conduct the analysis for those critical parameters described in this Section.*

354.28 (e) If the Agency determines that minimum thresholds are not required for applicable undesirable results ~~seawater intrusion, land subsidence, depletions of interconnected surface water, or water quality,~~ the Plan shall support this determination ~~with clear and convincing evidence using best available information.~~

Comment 2.d.3 RECOGNIZE EXISTING GROUNDWATER MANAGEMENT POLICIES

An existing groundwater management agency, like SCGA, becoming a newly formed GSA overlying the existing management area should be afforded the option to either keep existing policies in place or take actions on transitioning to new policies based on the GSP Regulations. For example, the method of determining minimum thresholds is currently the outcome of a public process defined in an adopted policy of SCGA. This method of determining minimum thresholds is also included in SCGA’s adopted GMP. Entities like SCGA should be encouraged to keep these policies in place, and add or change policies to fill data gaps over time if critical parameters are determined to lead to Undesirable Results.

GSP Regs Language Change: **Subarticle 3. Sustainable Management Criteria**

(New)(354.28(a)(7)) *A numeric minimum threshold based on previous groundwater management policy may be identified without the foregoing supporting information and discussion, as long as the numeric threshold has documented development and includes how the minimum threshold is to be evaluated and updated over the implementation period.*

Phase 2.e – Monitoring Network

Comment 2.e.1 REVISE THE MONITORING PLAN AND ADJUST TO OPTIMIZE AVAILABLE RESOURCES

Data collection efforts are costly and often lack quality if not used and reported in a timely and relevant manner. Data collected and found not to be useful in monitoring critical parameters, or found not being reported, should be eliminated through a formal process aimed at redirecting limited resources in a cost-effective manner. An Agency should be able to work within their available monitoring budget, placing resources where they are most-beneficial.

GSP Regs Language Change: **Subarticle 4. Monitoring Networks**

(354.34(b)) The monitoring network shall be designed to ensure adequate coverage of critical parameters. If localized conditions warrant the formation of management areas, those areas shall be specifically monitored with a quantity and spacing of monitoring sites sufficient to evaluate conditions in that area. *Each five year update to the GSP will report the adequacy of the monitoring network and data collection effort, and will adjust the frequency and type of data being collected, as determined by the Agency.*

Comment 2.e.2 MINIMUM STANDARDS FOR MONITORING PROGRAM BEST MANAGEMENT PRACTICES

Minimum standards for monitoring program best management practices should be removed from the GSP Regulations and transferred to DWR's forthcoming BMPs. The standards currently listed in the GSP Regulations are not likely achievable in the time frame of the monitoring plan development and implementation timeframe. For example, existing CASGEM monitoring wells often do not meet the minimum best management practice standards listed, and the exceptions to what might exist in the field or from an older monitoring network may remove monitoring points which provide historical context.

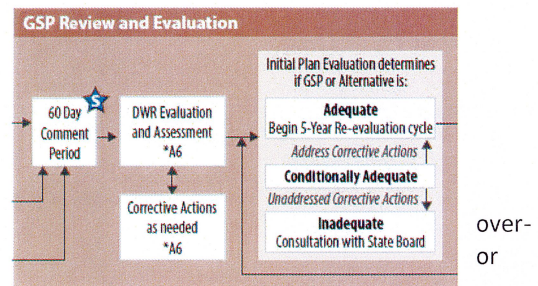
GSP Regs Language Change: **Subarticle 4. Monitoring Networks**

354.34(h): [delete]

Phase 3 Comments: GSP Review and Evaluation

Comment 3.a.1 EVALUATION AND ASSESSMENT

As stated at the outset of this comment letter, SCGA encourages DWR to revisit and revise the GSP Regulations to realign with explicit SGMA statutory provisions, and delete reaching regulations that are not contemplated by the intent language of the statute. Evaluation and assessment of GSPs should be accomplished through the lens of locally-driven sustainability criteria. Wide-latitude should be given to existing, sustainably functioning groundwater management entities like SCGA in developing Plans or Alternatives that substantially comply with whatever GSP Regulations are adopted, and certainly comply with the intent and purpose of SGMA. The detailed, sometimes stringent, and possibly overly-prescriptive framework of required GSP elements should be reserved for basins that are either critically-overdrafted, or become inadequately managed.



Comment 3.a.2 ALTERNATIVE PLAN SUBMITTALS

SCGA is a prime candidate for a Plan Alternative submittal. However, as referenced throughout these comments, the GSP Regulations as currently written do not honor and protect basin management and plans that have been successful in sustainably managing subbasins and avoiding, if not remediating, Undesirable Results for over a decade. Requiring existing, successful plans to meet the elements prescribed for a newly developed, post-SGMA GSP is senseless and a waste of time, resources, and valuable effort and good-will. Article 9 of the GSP Regulations should be revised to allow Alternative submittals to be evaluated on the basis of their historic success, their capacity to develop and adapt through an iterative process with DWR review to satisfy the goals of SGMA, and for substantial compliance (as defined in Exhibit A) with the purpose and intent of the GSP Regulations' Plan Contents. Failing to revise Article 9 to truly accommodate Alternative submittals, particularly given the near-term statutory deadline for their submittal, is counter to the express language and legislative intent of SGMA.

Conclusion

By addressing the overarching comments and concerns herein, the GSP Regulations will reflect the purpose and

intent of sustainable groundwater management memorialized in SGMA. SCGA staff looks forward to working closely with DWR staff on Plan or Alternative submittal, and in achieving sustainable groundwater management in the heart of the State capitol area.

Should you have any questions or concerns regarding this letter, please feel free to contact Darrell Eck at (916) 874-5039 or [eckd@saccounty.net].

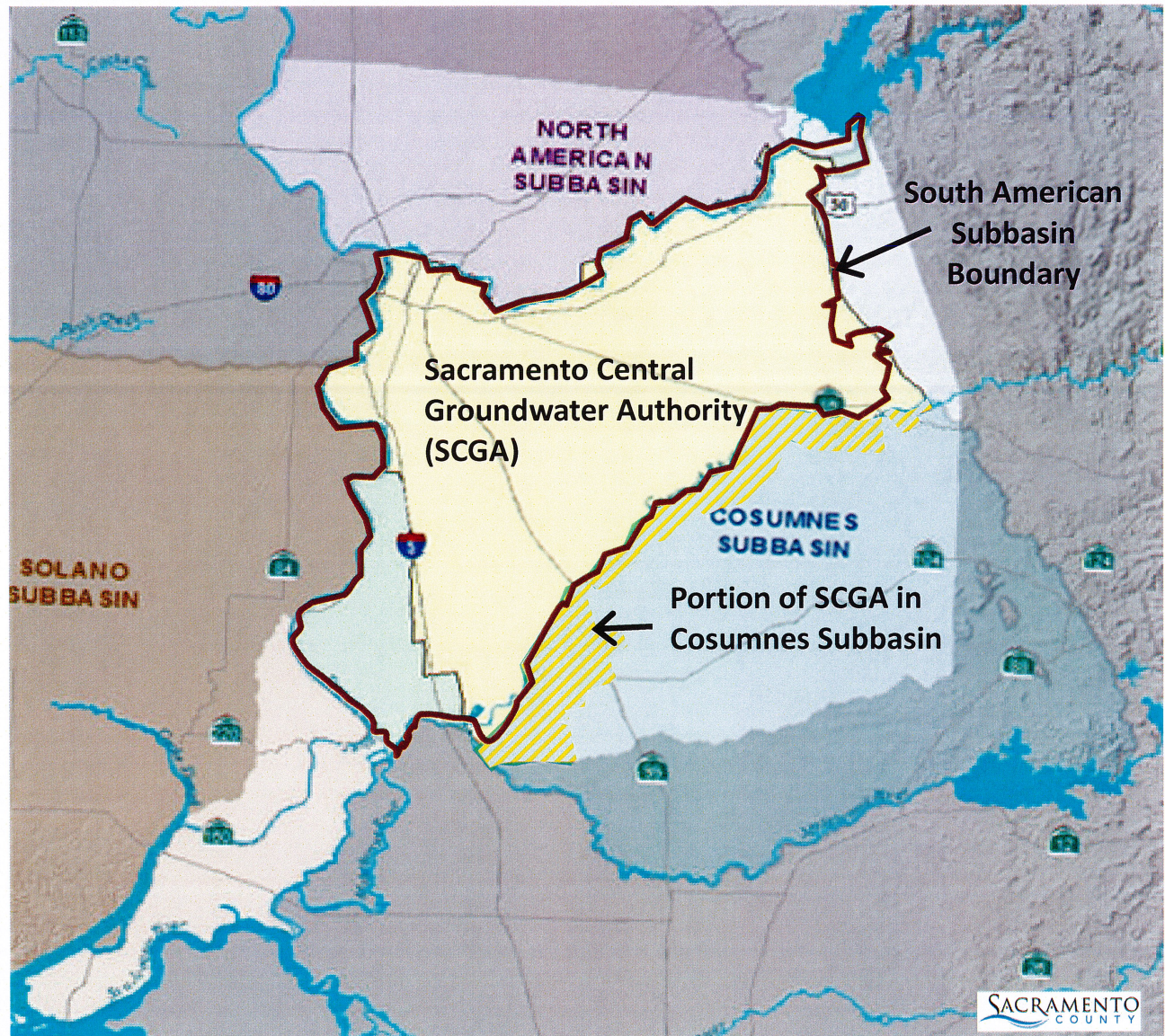
Sincerely,

A handwritten signature in blue ink, appearing to read "Darrell Eck", is positioned below the word "Sincerely,".

Darrell Eck
Executive Director

Attachments: SCGA Service Area and South American Subbasin
Exhibit A

Attachment 1: SCGA Service Area and South American Subbasin



For Illustrative Purposes

Attachment 2: Exhibit A

EXHIBIT A

§ 350.2. General Principles

(c) The Department shall evaluate the adequacy of all Plans and Alternatives, including subsequent modifications to Plans and Alternatives, and all reports and periodic evaluations based on a standard of substantial compliance with this subchapter, provided that the goals of the Act are satisfied.

Notwithstanding the provisions of this subchapter, the Department may waive any specific requirement under this subchapter of its own volition or on the findings of an Agency.

§ 350.4. Local Management of Basins and Plans

(a) In enacting the Sustainable Groundwater Management Act, the Legislature stated its intent “[t]o manage groundwater basins through the actions of local government agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner.”

(b) Consistent with the Legislature’s intent, an Agency may vary or omit from its Plan or related reports any provisions in Articles 3, 5 or 7 if the Agency determines, based on findings supported by evidence, that the inclusion of the provision or provisions would not materially contribute to the Agency’s ability to manage the basin to achieve the sustainability goal and that the Plan is in compliance with the Sustainable Groundwater Management Act.

(c) Consistent with the Legislature’s intent, the Agencies that are parties to a coordination agreement may vary or omit from their agreement or related reports any provisions in Article 8 of these regulations if all of the Agencies determine, based on findings supported by evidence, that the inclusion of the provision or provisions would not materially contribute to the Agencies’ ability to manage the basin to achieve the sustainability goal and the Plan or Alternative is in compliance with the Sustainable Groundwater Management Act.

(d) The Department may review the determinations of the Agency or Agencies under subdivision (b) or (c) as part of its review of the Plan or Plans under

Section 355.2.

§ 351. Definitions

“Substantial compliance” means the Plan or Alternative satisfies the goals of the Act and the Agency has determined that the Plan or Alternative and supporting information is sufficiently detailed and the analyses sufficiently thorough and reasonable to permit evaluation of and support the implementation of the Plan or Alternative, and the Department determines that any discrepancy would not materially affect the ability of the Agency to achieve the sustainability goal or of the Department to evaluate the likelihood of the Plan or Alternative to attain that goal.